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TO: Premia Maria Mertz
Art Unit: 1646
FAX: (703) 872-9306
FROM: Sheela Mohan-Peterson
DATE: April 1, 2004
RE: Docket No.: DX0644KBK
USSN: 10/083,720
Filed: 02/28/2002
Title: Mammalian Cytokine; Related Reagents

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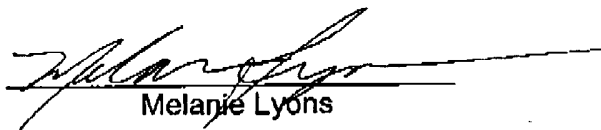
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Melanie Lyons at (650) 496-1183

Documents attached:

| | | |
|----|-------------------------------------|---------|
| 1. | Transmittal | 1 page |
| 2. | Response to Restriction Requirement | 2 pages |

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 1, 2004


Melanie Lyons

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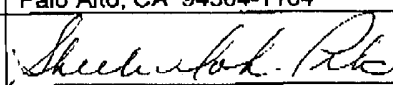
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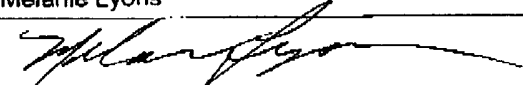
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| | | | |
|---|---|------------------------|----------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/083,720 |
| | | Filing Date | 02/28/2002 |
| | | First Named Inventor | Rene de Waal Malefyt |
| | | Art Unit | 1646 |
| | | Examiner Name | P. M. Mertz |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | DX0644KBK |

| ENCLOSURES (Check all that apply) | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks: 1. Response to Restriction Requirement (2 pages) 2. Fax Transmittal Sheet (1 page) | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual | Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104 |
| Signature |  |
| Date | 01-Apr-2004 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| Typed or printed | Melanie Lyons | | |
| Signature |  | Date | April 1, 2004 |

This collection of information is required by 37 CFR 4.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Attorney Docket: DX0644KBK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In Re application of:

Rene de WAAL MALEFYT, et al.

Application No.: 10/083,720

Filed: February 28, 2002

For: MAMMALIAN CYTOKINE;
RELATED REAGENTS

Examiner: P. M. Mertz

Art Unit: 1646

Conf. No.: 1917

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by:


MELANIE LYONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement), dated March 18, 2004

1. Restriction Requirement

The Examiner restricted the application into five separate inventions:

- I. Claims 21-25 drawn to a polypeptide of amino acid sequence set forth in SEQ ID NO: 2, classified in class 530, subclass 351.
- II. Claims 26-29 drawn to an antibody which binds to a polypeptide of amino acid set forth in SEQ ID NO: 2, classified in class 530, subclass 387.9.
- III. Claims 30-35 drawn to a polynucleotide encoding a polypeptide of amino acid sequence set forth in SEQ ID NO:2, classified in class 435, subclass 69.5.
- IV. Claims 36, 37, and 39 drawn to a method of treatment by administering an agonist to a polypeptide of amino acid sequence set forth in SEQ ID NO: 2, classified in class and subclass undeterminable.
- V. Claims 36, 38, and 50 drawn to a method of treatment by administering an antagonist to a polypeptide of amino acid sequence set forth in SEQ ID NO: 2, classified in class 424, subclass 139.1.

Applicants provisionally elect Group II, Claims 26-29 whose claims are drawn to an antibody which binds to a polypeptide of amino acid sequence set forth in SEQ ID NO: 2, classified in class 530, subclass 387.9, for example, as discussed in the Office Action.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

The Commissioner is hereby authorized to charge the requisite fee to DNAX Deposit Account 04-1239. Please charge any additional fees or credit overpayment to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: 01-Apr-2004

By: Sheela Mohan-Peterson
Sheela Mohan-Peterson,
Reg. No. 41,201
Attorney for Applicants

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